
TOWN WARRANT
Special Town Meeting
October 28, 2002

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Special Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven-thirty o'clock p.m. on **Monday, the twenty-eighth day of October, two thousand and two**, when the following articles will be acted upon by town meeting members:

ARTICLE 1. Reports of Boards and Committees (Select Board)

To see if the Town will hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)

To see if the Town will, in accordance with Chapter 44, Section 64, appropriate and transfer a sum of money to pay unpaid bills of previous years.

ARTICLE 3. Debt Rescission (Select Board)

To see if the Town will rescind the following borrowing authorizations:

Special Town Meeting, October 1991, Article 20a - \$580,000 for Atkins Treatment Plant
Special Town Meeting, April 1992, Article 17 - \$200,000 for Closing Cell II of Sanitary Landfill
Special Town Meeting, May 2001, Article 2A - \$840,000 for Middle Street Sewer Extension

ARTICLE 4. Senior Tax Exemptions (Select Board)

To see if the Town will accept, for Fiscal Year 2003, the provisions of Chapter 184, Section 51 of the Acts of 2002, amending Chapter 59, Section 5(41C) of the Massachusetts General Laws, by decreasing the eligibility age for senior tax exemptions from 70 to 65, by increasing the amount of the exemption by 20%, by increasing the gross receipts limit from \$13,000 to \$20,000 if single and from \$15,000 to \$30,000 if married, by increasing the whole estate limit from \$28,000 to \$40,000 if single and from \$30,000 to \$55,000 if married, and by increasing the whole estate exclusion for the value of the applicant's domicile from no more than two units in addition to the unit occupied by the applicant to no more than three additional units.

ARTICLE 5. Conservation Restriction – Pelham Watershed Land (Conservation Commission)

To see if the Town will convey a Conservation Restriction over a portion of premises located at 302 Amherst Road, Pelham, MA, to the Commonwealth of Massachusetts Department of Fisheries, Wildlife and Environmental Law Enforcement, in accordance with requirements of the Massachusetts Aquifer Land Acquisition Program and the "Option to Purchase Conservation Restriction" agreed to by the Town and the Commonwealth in June 2002, the premises further described as follows: a 36.893 parcel of land held by the Town for water supply purposes and located off of the northerly side of Amherst Road as shown on a plan of land dated June 10, 2002, and recorded in the Hampshire County Registry of Deeds in Plan Book 193, Page 38, and further described in deed to the Town of Amherst recorded in Book 6694, Page 41.

ARTICLE 6. Capital Program – Fire Pumper (Joint Capital Planning Committee)

To see if the Town will raise and appropriate an additional \$40,000 for a fire pumper.

ARTICLE 7. FY 03 Golf Course Fund Budget (Finance Committee)

To see if the Town will amend the FY 03 Golf Course Fund budget.

ARTICLE 8. Capital Program - Community Preservation Act Committee Recommendations (Community Preservation Act Committee)

To see if the Town will adopt the budget of the Community Preservation Act Committee and determine whether the appropriations therein shall be met by taxation, by the transfer of available funds, by borrowing, by acceptance of gifts, bequests or grants, or otherwise.

ARTICLE 9. Capital Program – Sewer Fund – Chapel Road/Mechanic Street Sewer Extension (Select Board)

To see if the Town will appropriate \$1.4 million for design and construction of a sewer and sewer facilities on Chapel Road/Mechanic Street and for the acquisition of land, easements and other interests in land in furtherance of the construction of such sewer and sewer facilities, and to meet such appropriation authorize the Treasurer to borrow in accordance with M.G.L. Chapter 44 Section 7(1) and other applicable laws.

ARTICLE 10. Capital Program – Sewer Fund - Sewer Facilities Plan (Select Board)

To see if the Town will appropriate \$100,000 to update the Sewer Facilities Plan and to meet such appropriation transfer \$100,000 from the Undesignated Fund Balance of the Sewer Fund.

ARTICLE 11. Petition – Sewer – Mountain View Circle (B. Bouricius)

“To see if the town will appropriate \$45,000.00 for design and construction of a sewer and sewer facilities on Mountain View Circle and to meet such appropriation, transfer \$45,000.00 from the sewer fund revenues of the current fiscal year of the sewer fund surplus, and authorize the town to accept gifts or donations toward the cost of this sewer extension from the residents of Mountain View Circle.”

ARTICLE 12. Petition – Special Act – Runoff Voting Process (B. Bouricius)

“To see if the town will vote:

Whereas, it is desirable to have the members of the town’s primary policy-making board be elected by a majority of those who vote in municipal elections; and,

Whereas, the requirements of the 26th Amendment to the United States Constitution, and the Amherst and Hampshire College and University of Massachusetts academic calendars make either spring or fall municipal primaries or preliminary elections difficult to schedule;

Now, Therefore, Be It Resolved that the Amherst Representative Town Meeting request the Select Board to develop, with the assistance of the town counsel and other interested parties, and file with the General Court as soon as possible in the 2003 legislative session a request for a special act providing for an instant runoff voting process for Amherst’s Select Board elections.”

ARTICLE 13. Town Bylaws – Handicapped Parking (Select Board)

To see if the Town will amend the Town Bylaws, Article II, Handicapped Parking, Section 2, to increase the penalty for violation from fifty dollars to one hundred dollars, and Section 3, to add Parking Enforcement Officers to those who may enforce the bylaw.

ARTICLE 14. Zoning Map – Farmland Conservation(Planning Board)

To see if the Town will amend the Official Zoning Map by changing the designation of the Farmland Preservation (FP) District, wherever it appears, to Farmland Conservation (FC).

ARTICLE 15. Zoning Bylaw – Common Land Protection (Planning Board)

To see if the Town will amend Sections 4.350 and 4.351 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in **bold italics**, as follows:

4.350 ***Except in the WP, ARP and FC districts, A***all common land hereunder shall either (1) be conveyed to the Town of Amherst and be accepted by it for park or open space use, or (2) be conveyed to a non-profit organization, the principal purpose of which is the conservation of open space, (3) be conveyed to a corporation or trust owned or to be owned by the owners of the lots or residential units within the development, or (4) be conveyed to a private, non-profit or public entity for the purposes of farming, with a restriction enforceable by the Town of Amherst being recorded which provides that such land shall either be actively farmed or kept in an open and natural state, If such a corporation or trust is utilized, as indicated herein, ownership thereof shall pass with conveyances of the lots or residential units. Under the second and third ownership alternatives listed above, a restriction enforceable by the Town of Amherst shall be recorded providing that such land shall be kept in an open or natural state and not be built upon for residential use or developed for accessory uses such as parking or roadway.

4.351 In the ~~FP~~ ***WP, ARP and FC*** ~~D~~districts, ~~that portion of the e~~Common Land ~~which is set aside as permanently preserved farmland and~~ ***and all Unbuildable Land Area (hereinafter within this section collectively referred to as “Common Land”) in a residential development shall be protected by a permanent agricultural preservation restriction recorded on the deed preserved as open space. Said Common Land shall be kept in an open or natural state, or as active farmland, and shall be used and managed so as to protect public water supplies (in the WP and ARP districts) and/or to preserve farmland***

and related accessory resource-based land uses (in the FC District, and in the WP or ARP districts where appropriate). Common Land shall not be built upon for residential use or developed for accessory uses such as parking or roadway.

4.351.0 Title to this ~~permanently preserved farm~~ **Common Land** may remain with the original ~~farmland~~ owner *or another individual or entity (hereinafter “owner”), or may* be conveyed to the Town of Amherst, the Commonwealth of Massachusetts, a *corporation or trust functioning as a* homeowners association, or a non-profit ~~farmland~~ trust or similar conservation organization whose principal purposes include the protection of water quality *and/or the* preservation of farmland *and related accessory resource-based land uses, as appropriate.* ~~The agricultural restriction recorded on the deed shall be enforceable by the Town of Amherst. It shall be kept as active farmland or kept in an open or natural state for future farming uses, and shall not be built upon for residential use or developed for accessory uses such as parking or roadway.~~

4.351.1 *The applicant shall submit a management plan detailing the future use and management of the Common Land. Review and approval of the management plan shall be a condition of the Site Plan Review approval.*

ARTICLE 16. Petition - Zoning Bylaw and Map – Resource Protection Amendments
(Resource Protection Coalition)

“To see if the town will vote to amend the Official Zoning Map by changing the designation of properties zoned Farmland Conservation (FC) and/or Neighborhood Residential (R-N), Outlying Residential (R-O), or Limited Density Residential (R-LD) to Agricultural (AG), and to amend Articles 2, 3, 4, 6, and 14 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in **bold italics**, as follows:

A. Add Section 3.29 and amend Section 2.05 and Section 5.090 and the zoning map as follows:

Add the following definition to Section 2.05

AG Agricultural District

The Agricultural District shall consist of those parcels or portions of parcels of agricultural land whose development rights have been purchased by or donated to the Commonwealth’s Agricultural Preservation Program, the Town of Amherst, or a private non-profit organization. The District shall not include excluded land and buildings on those parcels, and land reserved by contract for future construction.

Change the designation of the portions of the following parcels of land now zoned FC and/or R-N, R-O, or R-LD whose development rights have been purchased or donated as described in the Section 2.05 definition of the Agricultural District to Agricultural (AG):

Map 4B, Parcel 5; Map 4D, Parcels 5, 6, 7, 13, 14 and 17; Map 5A, Parcel 2; Map 7B, Parcels 1 and 2; Map 9A, Parcel 17; Map 9B, Parcel 8; Map 9C, Parcels 20, 21, 22, 25, 28 and 43; Map 9D, Parcel 29; Map 12A, Parcels 12, 13, 15, 53, 54 and 61; Map 12C, Parcel 17; Map 15A, Parcels 29 and 56; Map 15C, Parcel 23; Map 16D, Parcels 1, 7, 8, 240 and 241; Map 17A, Parcels 55, 76 and 77; Map 17C, Parcel 178; Map 17D, Parcels 1 and 14; Map 18A, Parcels 4 and 88; Map 20B, Parcels 55, 64 and 70; Map 21C, Parcels 39 and 40; Map 23D, Parcel 106; Map 26A, Parcels 41 and 43; Map 26B, Parcels 2 and 157; Map 27C, Parcels 41 and 57; and Map 27D, Parcel 1.

Add the following section to Article 3:

Section 3.29 Agricultural District

It is intended that the Agricultural District shall consist of only those parcels or portions of parcels of agricultural land whose development rights have been purchased by or donated to the Commonwealth’s Agricultural Preservation Program, the Town of Amherst, or a private non-profit organization, and shall not include land and buildings excluded by contract or land reserved by contract for future construction. All agricultural uses allowed by state law or permitted by this zoning bylaw shall be by right. Class I farmstands shall be allowed by Site Plan Review, and Class II farmstands by Special Permit.

Section 5.090 Farm Conference Center

The Board of Appeals may authorize by ~~issue of~~ Special Permit, the use of a portion of a property as a Farm Conference Center, in the R-LD, R-O, ~~and~~ R-N *and AG* Districts only, provided that:

B. Amend Sections 3.3240 and 3.3241 as follows:

Amend Section 3.3240 “Subdividable Dwelling” so that Condition #4 shall read, “This use ~~will~~ **shall** not be permitted in the Aquifer Recharge Protection (ARP) *or Watershed Protection (WP) overlay* districts.”

Amend section 3.3241 “Converted Dwelling” so that the final sentence of Condition #2 shall read, “Conversion in the Aquifer Recharge Protection (ARP) *or Watershed Protection (WP) overlay* districts shall not be permitted.”

C. Amend Article 3, Section 3.2832 and Article 6, Sections 6.3 and 6.32, as follows:

~~Section 3.2832 For flag lots with frontage located outside the FC District and a majority of lot area within the FC District, the lot area requirements for these lots are as follows:~~

~~Minimum lot area 20,000~~

~~Maximum lot area 30,000~~

~~All other dimensional requirements for these lots shall be the same as those specified in Table 3 for Cluster Development flag lots in the R-N District.~~

Section 6.3 Flag Lots

Except for lots where a majority of the land is in the Aquifer Recharge Protection (ARP), Watershed Protection (WP) or Farmland Conservation (FC) Overlay Districts, individual lots which do not have the required amount of street frontage may be permitted in the Office Park (OP), General Residence (R-G), Village Center Residence (R-VC), Neighborhood Residence (R-N), Outlying Residence (R-O), and Low-Density Residence (R-LD) Districts ~~only~~ under the following conditions:

6.32 The area of each flag lot, exclusive of the access strip, shall be at least double the minimum lot area normally required for that district, except in a Cluster Subdivision Development, in which case it shall be at least double the minimum lot area normally required for a cluster lot in that district. ~~In the FC Overlay District, the area of flag lots shall be as provided for in Sections 3.2832, 4.3271 and 4.3272.~~

D. Amend Section 3.285 as follows:

3.2850 To the maximum practical extent, all buildings and roads shall be located on that portion of the site ***determined by the report of an expert panel employed by the Farm Committee as having*** with soils least suitable for the production of crops and livestock. ***The Farm Committee Panel’s recommendation shall be presumed accurate unless directly contradicted by written evidence presented by a comparable expert or experts.*** This provision shall not apply to the location of on-site septic facilities, which must be placed in soils meeting ***the requirements of*** the Massachusetts Environmental Code.

1. ***To assist the permit granting board in making this determination, copies of the application and site plan shall be transmitted to the Farm Committee, which shall have thirty-five (35) days to report its findings concerning the suitability of soils on the subject property for the production of crops and livestock, and the relationship of those soils to the overall geometry of said property. Failure to report in the allotted time shall constitute approval by the Farm Committee. The permit granting authority shall grant at least one extension of this time period for no more than thirty-five (35) days in response to a written request for the Farm Committee for such an extension based on parcel size or complexity, time of year, or other factors.***

2. ***The Farm Committee and/or permit granting authority may, at the cost of the applicant, engage the service of independent professional agronomists, soils scientists, or other qualified consultants to assist in evaluating a site or project.***

E. Amend Section 4.33 Affordable Units and Sections 4.55 Density Bonuses as follows:

4.33 Affordable Units

4.330 ***Except for projects where a majority of the site or the construction site for dwelling units is in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts,*** ~~t~~The Planning Board may authorize a greater number of dwelling units ***building lots*** than would be allowed by the density requirements of Section 4.3231 *or Section 4.327* only if a minimum of 10% of the total ***dwelling*** units in the development are affordable units as herein defined. In no event shall the Board authorize a greater number of dwelling units ***building lots*** than 120% of the maximum number of ~~units~~ ***lots*** otherwise allowed ***under the applicable development method.*** ~~For the purpose of this calculation,~~ ***The base density of lots shall be calculated by first subtracting 75% of the unbuildable land area of the total parcel acreage as defined in Section 4.327, subtracting 8+0%*** of the ***resulting net buildable*** total parcel size ~~shall be subtracted for roadways, parking, and utilities, allowance prior to calculating the~~

~~maximum density normally allowed~~ **then dividing the net parcel acreage by the minimum lot area of the zoning district in which the parcel is located.**

4.55 Density Bonuses

It is the intention of this bylaw to encourage the provision of both affordable and handicapped accessible housing. Toward that end, where affordable and/or accessible units are proposed, additional housing units may be added to an OSCD above and beyond the maximum density provided for under Section 4.520 **except for projects where a majority of the total parcel acreage or the construction site for housing units is in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts.**

F. Amend Section 4.323 Density/Setbacks and Section 4.3270

4.323 Density/Setbacks

4.3230 Unless otherwise provided for, the Dimensional Regulations of Table 3 shall be complied with.

4.3231 The maximum **base** density of **lots in** a cluster subdivision, except for an affordable cluster, ~~shall not exceed the allowed density for a standard subdivision in any zoning district, said density shall~~ be calculated by ~~taking~~ **subtracting from the total parcel area acreage 75% of the unbuildable land area as defined in Section 4.327, then** subtracting ~~840%~~ **810%** of that ~~the resulting net buildable parcel acreage for roadways, parking and utilities, and dividing that number~~ **the resulting net parcel acreage** by the minimum lot area of the zoning district in which the parcel is located. ~~In addition, it is the intention of this Section that the cluster subdivision not result in more lots than would be approved for a standard subdivision under a Definitive Subdivision Plan.~~

4.327 FC District

In the FC District, dimensional regulations for Cluster Subdivisions shall be as follows:

- 4.3270 The maximum number of building lots shall be calculated as follows:
1. Determine the Net Parcel Area by subtracting ~~7550%~~ **75%** of the area of all Unbuildable Land Area from the total parcel acreage. Unbuildable Land Area shall consist of the combined acreage of all wetlands, **and** FPC District and 100-year floodplain areas (**whichever of these two is greater**). 100-year floodplain areas shall consist of those areas so identified on federal flood insurance maps.
 2. Subtract ~~840%~~ **810%** of the resulting Net Parcel Area for **roadways, parking and utilities. 00.3 allowance.**
 3. Divide the remaining ~~90 percent of the~~ Net Parcel Area by the Basic Minimum Lot Area for the underlying zoning district. The resulting figure shall be the maximum number of building lots allowed in the Cluster Development.

G. Amend Sections 14.43 and 14.44, as follows:

14.43 Open Space/Farmland

14.431 Protection and retention of farmland according to the following impacts on working farms

Development on agricultural land, defined as land classified prime, unique or of state or local importance by the USDA ~~SCS~~ or land characterized by active agricultural use as defined by Chapter 61A or the Mass. General Laws. -30 pts.

In the Farmland Conservation (FC) District, ~~r~~Retention and preservation of agricultural land, as a percentage of the total area of the proposed development, under permanent agricultural restriction. 2pts./5% of total project area protected (max. 30 pts.)

Provision of a ~~100~~ **150**-foot buffer zone including a fence and screening vegetation, from property boundary of a working farm. 5 pts.

14.432 FC District

14.4320 **Frontage or flag lot development under M.G.L. Chapter 41, Section 81P, with frontage located outside the FC District and a portion of lot area abutting or within the FC District**

<i>More than 5,000 sq. ft. of individual or average lot area in FC District</i>	<i>-30 pts.</i>
<i>2,500-5,000 sq. ft. of individual or average lot area in FC District</i>	<i>-15 pts.</i>
<i>Less than 2,500 sq. ft. of individual or average lot area in FC District</i>	<i>-5 pts.</i>
<i>No lot area in FC District</i>	<i>0 pts.</i>

14.44 Aquifer and Watershed Protection

A. Development in the Aquifer Recharge Protection (*ARP*) and Watershed Protection (*WP*) Overlay Districts

Average lot size one half acres or less, no public sewer	30 pts.
Average lot size more than one half acres, no public sewer	15 pts.
Average lot size one acre or less, public sewer	5 pts.
Average lot size more than one acre, public sewer	0 pts.
<i>No public sewer</i>	<i>-30 pts.</i>
<i>Public sewer</i>	<i>-15 pts.”</i>

ARTICLE 17. Zoning Bylaw – PRP - Professional Offices (Planning Board)

To see if the Town will amend Sections 3.358 and 3.359 of the Use Chart (Section 3.3) of the Zoning Bylaw, by deleting the ~~lined out~~ language and adding the language *in bold italics*, as follows:

3.358 Bank, loan agency, real estate, insurance or other ~~business or professional~~ *similar* office providing services to the *general* public in person on the premises

R-O													
R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	COM	OP	LI	PRP	FPC	
N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	
											<i>SP</i>		

Standards & Conditions

For the purposes of this section, the general public shall be defined as including all persons as customers or clients not receiving services by appointment. Exceptions shall be affiliated professionals or consultants conducting business with the office use, salespersons and service contractors (delivery, maintenance, etc.).

In the PRP District, no drive-through facilities or service shall be allowed in connection with a permitted use.

3.359 *Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services by appointment to clients in person on the premises, or, administrative business office or similar* ~~Business or professional~~ office not providing services to the *general* public in person on the premises.

R-0													
R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	COM	OP	LI	PRP	FPC	
N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	SPR	SPR	N	
												(SP)	

Standards & Conditions

For the purposes of this section, the general public shall be defined as including all persons acting as customers or clients not receiving services by appointment. Exceptions shall be affiliated professionals or consultants conducting business with the office use, salespersons and service contractors (delivery, maintenance, etc.).

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for a *technical or professional* office ~~for professional or office uses not dealing directly with~~ *that provides services by appointment to clients in person on the premises, or that does not provide services to the general public in person on the premises.* The Zoning Board of Appeals may grant a Special Permit providing it finds that, in addition to meeting the provisions of Article 7 and Section 10.38, the proposed office uses meets the following conditions:

1. Is located on the ground floor only, and occupies no more than 50 percent of the gross floor area of the structure, exclusive of storage space.
2. Shall be allowed only as a second Principal use, where the first Principal use is a residential use consisting of one dwelling unit.

3. Shares a property line with or is adjacent to another property with a similar use permitted under this section or a property in the B-L, B-VC or COM districts.
4. Employs no more than 5 persons who work on-site.
5. Where located in an existing building, the residential character of the structure and site shall be maintained.

ARTICLE 18. Zoning Map – Old Belchertown Road – PRP to R-O (Schaffer Bacon/Zahradnik)

To see if the Town will amend the official Zoning Map by rezoning some portion of Map 21B, Parcel 18 from Professional Research Park (PRP) to Outlying Residence (R-O).

ARTICLE 19. Zoning Map– Belchertown Road – PRP to R-O (Palley/Zahradnik)

To see if the Town will amend the Official Zoning Map by rezoning Map 18B, Parcels 4 & 7, from Professional Research Park District (PRP) to Outlying Residence (R-O).

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Marks Meadow School	Prec. 8	Munson Memorial Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Town Hall	Prec. 10	Campus Center, UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this seventh day of October, 2002.

Carl Seppala
 Eva Schiffer
 Dolly Jolly
 Anne Awad
 Eddie Goldberg
 Board of Selectmen
 October 8, 2002

Hampshire, ss.

In obedience to the within warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Sgt. Charles Nelson
 Constable, Town of Amherst